

PATENT APPLICATION

Drw

In re the Application of

Chiharu IRIGUCHI

Group Art Unit: 2862

Application No.: 10/790,221

Examiner: R. FULLER

Filed: March 2, 2004

Docket No.: 118580

For: ALIGNER, EXPOSING METHOD, METHOD FOR MANUFACTURING THIN-FILM TRANSISTOR, DISPLAY DEVICE, AND ELECTRONIC DEVICE USING SHADING MEANS

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the July 11, 2007 Restriction/Election Requirement, Applicant provisionally elects "Species I," claims 1-7, with traverse. While an "election" between two species was required, the Office Action appears to be a restriction requirement because the Examiner is requiring an election between two sets of claims, not mutually exclusive species.

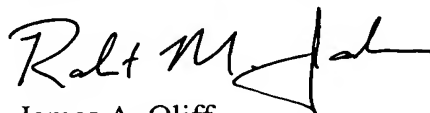
Applicant respectfully submits that the election of species requirement is improper because the "species" are not mutually exclusive, as required by MPEP §806.04(f).

It is also respectfully submitted that the subject matter of all claims 1-7 and 14-20 is sufficiently related that a thorough search for the subject matter of any one group of claims would encompass a search for the subject matter of the remaining group of claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions"

(emphasis added). It is respectfully submitted that this policy should apply in the present application (1) in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office, and (2) because examining the two sets of claims, both of which are directed to an aligner, would not cause serious burden to the Examiner.

Thus, withdrawal of the Election of Species Requirement is respectfully requested.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Robert M. Jackson
Registration No. 46,796

JAO:RMJ/tls

Date: August 8, 2007

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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